

**BEFORE THE  
BOARD OF PODIATRIC MEDICINE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

ALFRED LAWRENCE GLOVER, D.P.M. )

File No. 1B-2009-201207

Doctor of Podiatric Medicine )

License No. E 4238 )


Respondent. )

**ORDER CORRECTING NUNC PRO TUNC  
CLERICAL ERROR IN "LICENSE NUMBER" PORTION OF DECISION**

On its own motion, the Board of Podiatric Medicine (hereafter "Board") finds that there is a clerical error in the "license number" portion of the Decision in the above-entitled matter and that such clerical error should be corrected so that the license number will conform to the Board's issued license.

IT IS HEREBY ORDERED that the license number contained on the Decision Order Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "E 4238".

June 28, 2013

  
\_\_\_\_\_  
Neil B. Mansdoff, D.P.M., President

BEFORE THE  
BOARD OF PODIATRIC MEDICINE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

File No. 1B-2009-201207

ALFRED LAWRENCE GLOVER, D.P.M.

Doctor of Podiatric Medicine  
License No. E 1384

Respondent.

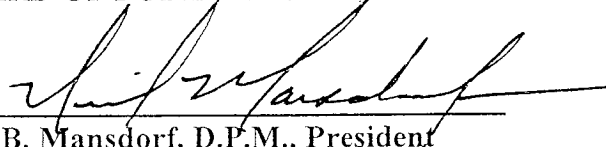
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Board of Podiatric Medicine of the Department of Consumer Affairs, State of California as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on July 25, 2013.

DATED June 25, 2013

BOARD OF PODIATRIC MEDICINE

  
\_\_\_\_\_  
Neil B. Mansdorf, D.P.M., President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 JOHN E. RITTMAYER  
Deputy Attorney General  
4 State Bar No. 67291  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-7485  
6 Facsimile: (213) 897-9395

7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF PODIATRIC MEDICINE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1B-2009-201207

12 ALFRED LAWRENCE GLOVER, D.P.M.  
5436 Senford Ave.  
13 Los Angeles, CA 90056

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Certificate to Practice Podiatric Medicine No.  
E4238

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Complainant James Rathlesberger is the Executive Officer of the Board of Podiatric  
21 Medicine, Department of Consumer Affairs (Board). He brought this action solely in his official  
22 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of  
23 California, by John E. Rittmayer, Deputy Attorney General.

24 2. Respondent Alfred Lawrence Glover, D.P.M. is represented in this proceeding by  
25 attorney Michael J. Khouri, Esq., whose address is: 4040 Barranca Parkway, Suite 200, Irvine,  
26 California 92604

27 3. On or about November 17, 1999, the Board issued certificate to practice podiatric  
28 medicine No. E4238 to respondent. The certificate to practice podiatric medicine was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 1B-2009-201207  
2 and will expire on August 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1B-2009-201207 was filed before the Board and is currently pending  
5 against respondent. The Accusation and all other statutorily-required documents were properly  
6 served on respondent on April 26, 2013.

7 5. A copy of Accusation No. 1B-2009-201207 is attached as exhibit A and incorporated  
8 herein by reference.

9 ADVISEMENT AND WAIVERS

10 6. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 1B-2009-201207. Respondent has also carefully read,  
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

14 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18 the attendance of witnesses and the production of documents; the right to reconsideration and  
19 court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 1B-2009-201207.

26 10. Respondent agrees that his certificate to practice podiatric medicine is subject to  
27 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
28 Disciplinary Order below.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5

## 6

7  
8  
9  
0  
1  
2  
3  
4  
5  
6

7  
8  
9

- 0
- 1
- 2

## 3

4  
5  
6

7  
8

1 date of this decision. Respondent shall prominently post a notice of the Board's Order of  
2 Suspension, in a place clearly visible to the public. Said notice, provided by the Board, shall  
3 remain so posted during the entire period of suspension.

4 2. PROVISIONS FOR CESSATION OF PRACTICE In settlements or orders which  
5 provide for a cessation of practice, respondent shall comply with procedures provided by the  
6 Board regarding notification and management of patients.

7 3. NOTIFICATION Prior to engaging in the practice of medicine, the respondent shall  
8 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief  
9 Executive Officer at every hospital where privileges or membership are extended to respondent,  
10 at any other facility where respondent engages in the practice of podiatric medicine, including all  
11 physician and locum tenens registries or other similar agencies, and to the Chief Executive  
12 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.  
13 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar  
14 days.

15 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

16 4. PHYSICIAN ASSISTANTS Prior to receiving assistance from a physician assistant,  
17 respondent must notify the supervising physician of the terms and conditions of his/her probation.

18 5. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules  
19 governing the practice of podiatric medicine in California and remain in full compliance with any  
20 court ordered criminal probation, payments, and other orders.

21 6. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations  
22 under penalty of perjury on forms provided by the Board, stating whether there has been  
23 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
24 not later than 10 calendar days after the end of the preceding quarter.

25 7. PROBATION COMPLIANCE UNIT Respondent shall comply with the Board's  
26 probation unit. Respondent shall, at all times, keep the Board informed of respondent's business  
27 and residence addresses. Changes of such addresses shall be immediately communicated in  
28 writing to the Board or its designee. Under no circumstances shall a post office box serve as an

1 address of record, except as allowed by Business and Professions Code section 2021(b).

2 Respondent shall not engage in the practice of podiatric medicine in respondent's place of  
3 residence. Respondent shall maintain a current and renewed California doctor of podiatric  
4 medicine's license.

5 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
6 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30  
7 calendar days.

8 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be  
9 available in person for interviews either at respondent's place of business or at the probation unit  
10 office with the Board or its designee, upon request, at various intervals and either with or without  
11 notice throughout the term of probation.

12 9. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent should  
13 leave the State of California to reside or to practice, respondent shall notify the Board or its  
14 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
15 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in  
16 any activities defined in section 2472 of the Business and Professions Code.

17 All time spent in an intensive training program outside the State of California which has  
18 been approved by the Board or its designee shall be considered as time spent in the practice of  
19 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
20 period of non-practice. Periods of temporary or permanent residence or practice outside  
21 California will not apply to the reduction of the probationary term. Periods of temporary or  
22 permanent residence or practice outside California will relieve respondent of the responsibility to  
23 comply with the probationary terms and conditions, with the exception of this condition, and the  
24 following terms and conditions of probation: Obey All Law; Probation Unit Compliance; and  
25 Cost Recovery.

26 Respondent's license shall be automatically cancelled if respondent's periods of temporary  
27 or permanent residence or practice outside California totals two years. However, respondent's  
28 license shall not be cancelled as long as respondent is residing and practicing podiatric medicine

1 in another state of the United States and is on active probation with the medical licensing  
2 authority of that state, in which case the two year period shall begin on the date probation is  
3 completed or terminated in that state.

4 10. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT

5 In the event the respondent resides in the State of California and for any reason respondent stops  
6 practicing podiatric medicine in California, respondent shall notify the Board or its designee in  
7 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any  
8 period of non-practice within California as defined in this condition will not apply to the  
9 reduction of the probationary term and does not relieve respondent of the responsibility to comply  
10 with the terms and conditions of probation. Non-practice is defined as any period of time  
11 exceeding thirty calendar days in which respondent is not engaging in any activities defined in  
12 section 2472 of the Business and Professions Code.

13 All time spent in an intensive training program which has been approved by the Board or its  
14 designee shall be considered time spent in the practice of medicine. For purposes of this  
15 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
16 condition of probation shall not be considered a period of non-practice.

17 Respondent's license shall be automatically cancelled if respondent resides in California  
18 and for a total of two years, fails to engage in California in any of the activities described in  
19 Business and Professions Code section 2472.

20 11. COMPLETION OF PROBATION Respondent shall comply with all financial  
21 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior  
22 to the completion of probation. Upon successful completion of probation, respondent's certificate  
23 will be fully restored.

24 12. VIOLATION OF PROBATION If respondent violates probation in any respect, the  
25 Board, after giving respondent notice and the opportunity to be heard, may revoke probation and  
26 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is  
27 filed against respondent during probation, the Board shall have continuing jurisdiction until the  
28 matter is final, the period of probation shall be extended until the matter is final, and no petition



1 for modification of penalty shall be considered while there is an accusation or petition to revoke  
2 probation pending against respondent.

3 13. COST RECOVERY Within 90 calendar days from the effective date of the Decision  
4 or other period agreed to by the Board or its designee, respondent shall reimburse the Board the  
5 amount of \$4,800 for its investigative and prosecution costs. The filing of bankruptcy or period  
6 of non-practice by respondent shall not relieve the respondent of his/her obligation to reimburse  
7 the Board for its costs.

8 14. LICENSE SURRENDER Following the effective date of this Decision, if  
9 respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy  
10 the terms and conditions of probation, respondent may request the voluntary surrender of  
11 respondent's license. The Board reserves the right to evaluate the respondent's request and to  
12 exercise its discretion whether to grant the request or to take any other action deemed appropriate  
13 and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent  
14 shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its  
15 designee and respondent shall no longer practice podiatric medicine. Respondent will no longer  
16 be subject to the terms and conditions of probation and the surrender of respondent's license shall  
17 be deemed disciplinary action. If respondent re-applies for a podiatric medical license, the  
18 application shall be treated as a petition for reinstatement of a revoked certificate.

19 15. PROBATION MONITORING COSTS Respondent shall pay the costs associated  
20 with probation monitoring each and every year of probation as designated by the Board, which  
21 may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric  
22 Medicine and delivered to the Board or its designee within 60 days after the start of the new fiscal  
23 year. Failure to pay costs within 30 calendar days of this date is a violation of probation.

24 16. NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of  
25 this Decision, post or circulate a notice which actually recites the offenses for which respondent  
26 has been disciplined and the terms and conditions of probation to all employees involved in  
27 his/her practice. Within fifteen (15) days of the effective date of this Decision, respondent shall  
28 cause his/her employees to report to the Board in writing, acknowledging the employees have

1 read the Accusation and Decision in the case and understand respondent's terms and conditions of  
2 probation.

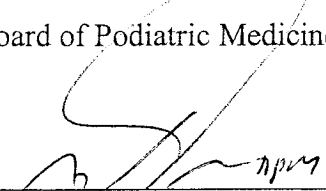
3 17. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,  
4 through the assigned probation officer, of any and all changes of employment, location, and  
5 address within thirty (30) days of such change.

6 18. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION  
7 Respondent shall submit satisfactory proof biennially to the Board of compliance with the  
8 requirement to complete fifty hours of approved continuing medical education, and meet  
9 continuing competence requirements for re-licensure during each two (2) year renewal period.

10 ACCEPTANCE

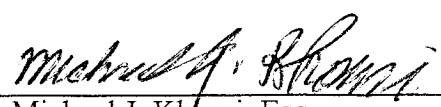
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, Michael J. Khouri, Esq.. I understand the stipulation and the effect  
13 it will have on my certificate to practice podiatric medicine. I enter into this Stipulated  
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
15 bound by the Decision and Order of the Board of Podiatric Medicine.

16  
17 DATED: 5/2/2013

  
18 Alfred Lawrence Glover, D.P.M.  
Respondent

19 I have read and fully discussed with respondent Alfred Lawrence Glover, D.P.M. the terms  
20 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
21 Order. I approve its form and content.

22 DATED: May 2, 2013

  
23 Michael J. Khouri, Esq.  
Attorney for Respondent

24  
25 ENDORSEMENT

26 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

27 ///

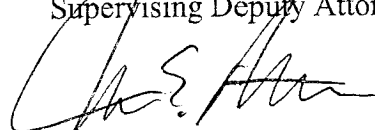
28 ///

1 submitted for consideration by the Board of Podiatric Medicine of the Department of Consumer  
2 Affairs.

3 Dated: May 10, 2013  
4

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

7  
8 

JOHN E. RITTMAYER  
Deputy Attorney General  
*Attorneys for Complainant*

10  
11  
12 LA2013607525  
13 60991336.doc  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Exhibit A**

**Accusation No. 1B-2009-201207**

KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
JOHN E. RITTMAYER  
Deputy Attorney General  
State Bar No. 67291  
300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
Telephone: (213) 897-7485  
Facsimile: (213) 897-9395

*Attorneys for Complainant*

BEFORE THE  
BOARD OF PODIATRIC MEDICINE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

IN THE MATTER OF THE ACCUSATION  
AGAINST:

**ALFRED LAWRENCE GLOVER, D.P.M.**  
**5436 SENFORD AVENUE**  
**LOS ANGELES, CALIFORNIA 90056**

**CERTIFICATE TO PRACTICE**  
**PODIATRIC MEDICINE NUMBER E4238**

RESPONDENT.

CASE NO. 1B-2009-201207

OAH No.

**ACCUSATION**

Complainant alleges:

PARTIES

1. James Rathlesberger (complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Podiatric Medicine, Department of Consumer Affairs (Board).

2. On or about November 17, 1999, the Board issued Certificate To Practice Podiatric Medicine Number E4238 to Alfred Lawrence Glover, D.P.M. (respondent). The Certificate To Practice Podiatric Medicine was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2013, unless renewed.

///

///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2222 of the Code provides that the California Board of Podiatric Medicine shall enforce and administer Article 12 (sections 2220 et seq., found in chapter 5 of division 2 of the Code) as to doctors of podiatric medicine and that any acts of unprofessional conduct or other violations proscribed by the Medical Practice Act are applicable to licensed doctors of podiatric medicine. Section 2222 further provides that wherever the Medical Quality Hearing Panel established under Government Code section 11371 is vested with the authority to enforce and carry out the Medical Practice Act as to licensed physicians and surgeons, the Medical Quality Hearing Panel also possesses the same authority as to licensed doctors of podiatric medicine.

5. Section 2497, subdivision (a) of the Code provides that "[t]he board may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in accordance with Section 2222."

6. Section 2234 of the Code states:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"...

"(e) Dishonest or corrupt acts.

"..."

7. Section 2236 of the Code in part states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"..."

1       “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
2 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
3 shall be conclusive evidence of the fact that the conviction occurred.”

4       8.     Section 2236.1 of the Code states in part:

5       “ . . .

6       “(d) (1) Discipline may be ordered in accordance with Section 2227, or the Division of  
7 Licensing may order the denial of the license when the time for appeal has elapsed, the judgment  
8 of conviction has been affirmed on appeal, or an order granting probation is made suspending the  
9 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code  
10 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting  
11 aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

12       “(2) The issue of penalty shall be heard by an administrative law judge from the Medical  
13 Quality Panel sitting alone or with a panel of the division, in the discretion of the division. The  
14 hearing shall not be had until the judgment of conviction has become final or, irrespective of a  
15 subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been  
16 made suspending the imposition of sentence; except that a licensee may, at his or her option, elect  
17 to have the issue of penalty decided before those time periods have elapsed. Where the licensee  
18 so elects, the issue of penalty shall be heard in the manner described in this section at the hearing  
19 to determine whether the conviction was substantially related to the qualifications, functions, or  
20 duties of a physician and surgeon. If the conviction of a licensee who has made this election is  
21 overturned on appeal, any discipline ordered pursuant to this section shall automatically cease.  
22 Nothing in this subdivision shall prohibit the division from pursuing disciplinary action based on  
23 any cause other than the overturned conviction.

24       “(e) The record of the proceedings resulting in the conviction, including a transcript of the  
25 testimony therein, may be received in evidence.

26       “(f) The other provisions of this article setting forth a procedure for the suspension or  
27 revocation of a physician and surgeon's certificate shall not apply to proceedings conducted  
28 pursuant to this section.”

1           9.     Sections 2497.5 and 125.3 of the Code provide, in pertinent part, that the Board may  
2 request the administrative law judge to direct a licentiate found to have committed a violation or  
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
4 and enforcement of the case.

5           10.    Section 490 of the Code states:

6           "(a) In addition to any other action that a board is permitted to take against a licensee, a  
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
9 or profession for which the license was issued.

10          "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
11 discipline a licensee for conviction of a crime that is independent of the authority granted under  
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
13 of the business or profession for which the licensee's license was issued.

14          "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
18 made suspending the imposition of sentence, irrespective of a subsequent order under the  
19 provisions of Section 1203.4 of the Penal Code.

20          "..."

21          11.    Section 725 of the Code states:

22          "(a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering  
23 of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated  
24 acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of  
25 the community of licensees is unprofessional conduct for a physician and surgeon, dentist,  
26 podiatrist, psychologist, physical therapist, chiropractor, optometrist, speech-language  
27 pathologist, or audiologist.

28          "..."



1           12.   Section 810 of the Code states:

2           "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
3 including suspension or revocation of a license or certificate, for a health care professional to do  
4 any of the following in connection with his or her professional activities:

5                   (1) Knowingly present or cause to be presented any false or fraudulent claim  
6 for the payment of a loss under a contract of insurance.

7                   (2) Knowingly prepare, make, or subscribe any writing, with intent to present  
8 or use the same, or to allow it to be presented or used in support of any false or  
9 fraudulent claim.

10           "(b) It shall constitute cause for revocation or suspension of a license or certificate for a  
11 health care professional to engage in any conduct prohibited under Section 1871.4 of the  
12 Insurance Code or Section 549 or 550 of the Penal Code.

13           ". . . ."

14                                   **FIRST CAUSE FOR DISCIPLINE**

15                                   **(CONVICTION OF A SUBSTANTIALLY-RELATED CRIME)**

16           13.   Respondent is subject to disciplinary action under sections 490, subdivision (a) and  
17 2236, subdivision (a) in that he was convicted of a crime substantially related to the duties,  
18 qualifications or functions of a podiatrist. The circumstances are as follows:

19           14.   On or about May 12, 2008 in the action titled *United States of America v. Alfred*  
20 *Lawrence Glover*, case number 08-CR-00436 in the United States District Court for the Central  
21 District of California ("the criminal case"), by plea of guilty Respondent was convicted within the  
22 meaning of Sections 490, subdivision (c) and 2236, subdivision (d) of the Code of seven counts  
23 of the crime of health care fraud as defined in and made a crime by Title 18 United States Code §  
24 1347.

25           ///

26           ///

27           ///

28           ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECOND CAUSE FOR DISCIPLINE**

**(INSURANCE FRAUD)**

15. Respondent is subject to further disciplinary action under section 810 in that he prepared, made, or subscribed writings, with the intent to present or use the same, or allowed them to be presented or used in support of false or fraudulent claims. The circumstances are as follows:

16. Complainant is informed by the Information filed on April 14, 2008 in the criminal case, and believes, that on or about the dates set forth below Respondent and others known and unknown to the United States Attorney, for the purpose of executing a scheme to defraud caused to be submitted to Medicare the following false and fraudulent claims for payment for durable medical equipment (DME):

COUNT	Name	Date Claim Submitted	Claim Number	DME Type	Amount Paid
ONE	N.V.	03/10/05	105069805184000	Wheelchair and Accessories	\$5,124.80
TWO	K.D.	05/24/05	105144831983000	Wheelchair and Accessories	\$5,124.80
THREE	K.L.	05/25/05	105145800138000	Wheelchair and Accessories	\$5,124.80
FOUR	A.C.	06/15/05	105166823570000	Wheelchair and Accessories	-\$0-
FIVE	K.D.	02/09/06	106040805812000	Air Pressure Mattress	\$539.98
SIX	N.V.	04/26/06	106116800256000	Air Pressure Mattress	\$422.10
SEVEN	K.L.	07/26/06	106207800503000	Air Pressure Mattress	\$422.10

17. Complainant is further informed, and believes, that the scheme to defraud included Respondent signing written "Certificates of Medical Necessity" showing that the above-listed Medicare beneficiaries had health conditions and physical limitations qualifying them for the

1 DME he prescribed, even though, as Respondent well knew, the beneficiaries did not have those  
2 conditions and limitations.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(DISHONEST AND CORRUPT ACTS)**

5 18. Respondent is subject to disciplinary action under Section 2234, subdivision (e) in  
6 that he committed dishonest or corrupt acts. The circumstances are as follows:

7 19. Complainant repeats the allegations of the Second Cause for Discipline as if set forth  
8 in full.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(REPEATED, CLEARLY EXCESSIVE PRESCRIBING)**

11 20. Respondent is subject to disciplinary action under Section 725 in that he repeatedly  
12 prescribed items of DME that were clearly excessive in the circumstances. The circumstances  
13 are as follows:

14 21. Complainant repeats the allegations of the Second Cause for Discipline as if set forth  
15 in full.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(GENERAL UNPROFESSIONAL CONDUCT)**

18 22. Respondent is subject to disciplinary action under Section 2234, first paragraph in  
19 that his conduct was unprofessional. The circumstances are as follows:

20 23. Complainant repeats the allegations of the Second Cause for Discipline as if set forth  
21 in full.

22  
23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Podiatric Medicine issue a decision:


26 1. Revoking or suspending Certificate to Practice Podiatric Medicine Number E4238,  
27 issued to Respondent.

1           2.     Revoking, suspending, or denying approval of his authority to supervise physician  
2 assistants, pursuant to Section 3527 of the Code;

3           3.     Ordering him to pay the Board of Podiatric Medicine the reasonable costs of the  
4 investigation and enforcement of this case, and, if placed on probation, the costs of probation  
5 monitoring, and

6           4.     Taking such other and further action as deemed necessary and proper.

7  
8 DATED: April 26, 2013

  
JAMES RATHLESBERGER  
Executive Officer  
Board of Podiatric Medicine  
Department of Consumer Affairs  
State of California

*Complainant*

13 LA2013607525  
14 60959902.doc  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28